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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/699,864

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Thomas Michael Watson

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06/18/2004

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EXAMINER

FOSTER, ROLAND G

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 06/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,864

Applicant(s)

WATSON ET AL.

Examiner

Roland G. Foster

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2645

DETAILED ACTION

Specification

The amendment filed Feb. 26, 2001 as Paper No. 4 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material, which is not supported by the original disclosure, is as follows. In the marked-up version of the amendment, page 19, a purpose and a an advantage statement are deleted from the disclosure. Therefore, the amendment appears to broaden the purpose and advantages of the invention in a manner not envisioned in the original disclosure. Applicant is required to cancel the new matter or clarify on record why the amendment does not represent new matter in the reply to this Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9-11, 18, 20, 21, 26, 31, 34, 37, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,613,006 to Reese (hereinafter "Reese").

With respect to claim 11, see the following paragraphs for details on how Reese anticipates particular limitations within the claim.

The limitation a "caller center that provides a called party with an identification of a calling party..." reads on the abstract.

The limitation "a switching system" reads on Fig. 2, tandem switch 204.

The limitation "a terminal connected to said switching system" reads on directory assistance ("DA") operator 205.

The limitation "a processing unit in said system" clearly reads on col. 6, line 63 – col. 7, line 33.

The limitation "first instructions for directing said processing unit in said switching system" reads on the processor discussed above, which requires instructions (e.g., software) in order to direct the switch to perform the functions discussed below. See also col. 7, lines 1-33.

The limitation "receive a first call set-up message requesting an incoming call be extended to a terminal in said call center" reads on col. 4, lines 1-9.

The limitation "extend said incoming call to said terminal" reads on col. 4, lines 9-40, where the call is extended to the DA operator 205 (terminal) in for the DA to audibly communicated with the caller.

The limitation "receive a set-up request from said terminal to set-up an outgoing call to said called party" reads on col. 4, lines 9-15 where the interactive audio response unit ("IARU") (part of tandem switch 204, see col. 7, lines 34-44) receives a request from the DA terminal to set up an outgoing call to called party corresponding to a particular city, name, street, etc.

The limitation "generate a second call set-up message including said identification of said calling party;" reads on col. 4, lines 50-58, where a second call set-up message containing the calling party directory number ("DN") is generated by the tandem switch.

The limitation "transmit said second call set-up message to said called party" reads on col. 4, lines 59-67, where second call set-up message containing the calling party DN is transmitted the called party during the ringing process.

The limitation "a media readable by said processing unit..." reads on the processor as discussed above, which must execute instructions stored in memory (media) in order to perform the various functions described above.

Claim 1 differs substantively from claim 11 in that claim 1 is directed to a more broadly recited method whose steps are equivalent to the processor instruction steps discussed in claim 11. Therefore, see the claim 11 rejection for further details.

Claim 21 differs substantively from claim 11 in that claim 21 is directed to a switching system in a call center providing relay services. This relay service reads on automated directory system of Reese (abstract), where an operator relays call information from a caller to the appropriate called party. The functions performed by the relay service are equivalent to the functions performed in claim 11. Therefore, see the claim 11 rejection for further details.

Claim 26 differs substantively from claim 21 in that claim 26 is directed to a method steps equivalent to the processor instruction steps discussed in claim 26. Therefore, see the claim 26 rejection for further details.

Claim 31 differs substantively from claim 11 in that claim 31 recites a terminal in a call center that provides functions equivalent to the functions discussed in the claim 11 rejection. Therefore, see the claim 11 rejection for additional details. Further, the terminal comprises a microprocessor 20 (processing unit) (Fig. 3) that executes the necessary instructions to perform the required functions from a memory (media) that stores the instructions.

Claim 34 differs substantively from claim 31 in that claim 34 is directed to a method steps equivalent to the computer instruction steps discussed in claim 31. Therefore, see the claim 31 rejection for further details.

Claim 37 differs substantively from claim 11 in that claim 37 recites a "call controller", which reads on the tandem switch 204 as discussed in the claim 11 rejection. The tandem switch

Art Unit: 2645

204 is either a DMS-200 or 4ESS, which inherently includes a controller. Therefore, see the claim 11 rejection for further details.

Claim 40 differs substantively from claim 37 in that claim 40 is directed to a method steps equivalent to the processor instruction steps discussed in claim 37. Therefore, see the claim 37 rejection for further details.

With respect to claim 9, see the claim 1 rejection for further details.

With respect to claims 10, 19, 20, the operator at the terminal receives the identity of the called party (e.g., name, street, city, etc.) as discussed in the claim 1 rejection above. In response, the second call set-up message is transmitted, also as discussed in the claim 1 rejection. The set-up message transits via the switching system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

Art Unit: 2645

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2-7, 12-17, 22-24, 27-29, 32, 33, 35, 36, 38, 39, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reese as applied to claims 1, 11, 21, 26, 31, 34, 37, and 40 above, and further in view of U.S. Patent No. 6,137,870 to Scherer (hereinafter "Scherer").

Reese discloses that a first identification request for identification of the calling party (e.g., caller ID) is received and processing by the switching system's controller as discussed above. However, Reese fails to disclose the following features: 1) transmitting the first identification request that is received in the terminal and controller and transmitting the response to the switching system, 2) transmitting a second identification request for identification of the calling party from the controller to the terminal responsive to receiving the first identification request from the switching system, and 3) receiving a second identification response in the controller from the terminal.

However, Scherer (similarly to Reese) is directed to an operator assisted system for transferring the caller identification of the caller to a second call placed to the called party (abstract and Fig. 3B) by using information gathered anywhere during the telephone's call flow (col. 10, lines 40-col. 11, line 17). Scherer determines caller identity during call flow by using

Art Unit: 2645

a terminal (agent terminal 148), controller (call processor CPU 152), and switching system (telephone switch/ACD 166 and IVR 210, see also col. 18, lines 28-39) that all operate in conjunction during the call flow. For example, a first identification request for identification of the calling party is received in the controller, which controls the IVR to collect identification information from the calling party, and also at the terminal, which causes an agent to collect identification data from the calling party (col. 10, line 40 – col. 11, line 24 and col. 12, lines 35-45). The responses are sent to the switching system in order to alter the ANI information (caller identity) sent to the called party (col. 17, lines 52 – col. 18, line 27). A second identification request is transmitted from controller to the terminal in response to insufficient information obtained from the caller during the IVR process (first identification request) (col. 17, lines 37-51). The second identification request (additional operator entered information) is received at the controller and used to alter the ANI field to the called party as discussed above.

Therefore, it would have been obvious to a person of ordinary skill in the art to add the telephone network call flow features above taught by the operator assisted system for transferring caller identification of the caller to the called party of Scherer to the operator assisted system for transferring caller identification of the caller to the called party as disclosed by Reese.

The suggestion/motivation for doing so would have been to increase the accuracy and efficiency of caller identity information presented to the called party. Specifically, "[c]hanges to data elements in the telephone network's call flow, however, may be used to more accurately

Art Unit: 2645

indicate the caller's identity and the purpose of the call so that the call party...may expedite the processing of the call" (Scherer, col. 7, lines 15-35). One good example would have been in cases where sufficient caller identity information cannot be obtained from a caller from an automated interface, thus requiring transfer to an operator (Scherer, col. 17, lines 30-51).

Claims 8, 19, 25, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reese as applied to claims 1, 11, 21, 26 above.

Although Reese discloses a call center to handle the incoming calls, Reese fails to specifically disclose transmitting an available terminal request from the switching system to the call center for an available terminal and receiving a response from the call center.

However, "Office Notice" is taken that both the concept and advantages of a call center that provides available terminal information to a call center switching system upon request would have been well-known and expected in the art.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add a call center that provides available terminal information to a call center switching system upon request to the call center disclosed by Reese.

Art Unit: 2645


The suggestion/motivation for doing so would have been to increase the efficiency of call-handling in a call center by ensuring that calls are only routed to terminals where the agents are actually available and free to handling incoming calls, as is notoriously well known in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9309.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.


Roland G. Foster
Primary Patent Examiner
June 14, 2004